

## Message Text

CONFIDENTIAL

PAGE 01 LISBON 01766 01 OF 02 111307Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-05 H-01 INR-10 L-03  
NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06 IO-13  
ACDA-12 TRSE-00 /086 W  
-----074225 130802Z /42

R 091646Z MAR 78  
FM AMEMBASSY LISBON  
TO SECSTATE WASHDC 4996  
INFO AMEMBASSY BONN  
AMEMBASSY LONDON  
AMEMBASSY MADRID  
AMEMBASSY MOSCOW  
AMCONSUL OPORTO  
AMEMBASSY PARIS  
AMCONSUL PONTA DELGADA  
USMISSION USNATO  
DIA WASHDC  
USCINCEUR VAIHINGEN GER  
USNMR SHAPE BRUSSELS BEL  
COMUSFORAZ

C O N F I D E N T I A L SECTION 1 OF 2 LISBON 1766

E.O. 11652: XGDS-3  
TAGS: PINT MILI PO  
SUBJECT: LEAK OF DEFENSE MINISTER'S DRAFT NATIONAL DEFENSE LAW

SUMMARY: A DRAFT NATIONAL DEFENSE LAW PREPARED BY DEFENSE MINISTER FIRMINO MIGUEL HAS BEEN LEAKED TO THE PRESS. THE DRAFT REFLECTED THE DESIRE OF SOME ELEMENTS OF THE ARMED FORCES TO USE A WELL-DEFINED DEFENSE POLICY AND STRUCTURE TO REINFORCE SERVICE BUDGET AND EQUIPMENT REQUESTS AND STRENGTHEN THE SENSE OF PROFESSIONAL MISSION. THE LEFT OPPOSITION WILL OPPOSE MIGUEL'S HERETOFORE CONFIDENTIAL DRAFT AND ANY OTHER PROPOSAL WHICH IN ITS OPINION WOULD UNDERMINE THE AUTHORITY OF THE REVOLUTIONARY COUNCIL. THE PS, CDS AND PSD AGREE ON THE NEED FOR NATIONAL  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LISBON 01766 01 OF 02 111307Z

DEFENSE LEGISLATION BUT ANY PROPOSED LEGISLATION MUST ALLOW FOR THE EXISTENCE OF THE REVOLUTIONARY COUNCIL AT LEAST THROUGH 1980. SERIOUS LEGISLATIVE AND CONSTITUTIONAL PROBLEMS WILL COMPLICATE EFFORTS TO ENACT COMPREHENSIVE NATIONAL DEFENSE LEGISLATION BEFORE THEN. END SUMMARY.

1. BACKGROUND: ON FEB 23, THE FAR LEFT (PCPT/MRPP)

"LUTA POPULAR" PUBLISHED THE TEXT OF DEFENSE MINISTER FIRMINO MIGUEL'S CONFIDENTIAL NATIONAL DEFENSE LAW PROPOSAL (TEXT BEING POUCHED). THE MINISTER SUBSEQUENTLY DESCRIBED THE DOCUMENT AS A WORKING PAPER PREPARED IN FEB 1977. PSD MILITARY AFFAIRS SPECIALIST AND NATIONAL DEFENSE COMMITTEE MEMBER ANGELO CORREIA TOLD EMBOFF THAT HE, THE DEFENSE MINISTER, AND PS NATIONAL SECRETARIAT MEMBER JAIME GAMA (RECENTLY APPOINTED INTERIOR MINISTER) HAD DISCUSSED THE TEXT IN JULY-AUGUST 1977 AND AGREED THEN THAT PORTIONS MIGHT BE USED AS THE BASIS FOR A PS/PSD PROPOSAL. THE AGREEMENT WAS SHORT LIVED, FALLING VICTIM TO THE SUBSEQUENT RUPTURE IN PS/PSD RELATIONS. ACCORDING TO CORREIA, FIRMINO MIGUEL, UNSURE OF HIS OWN FUTURE AFTER THE DEC 9 FALL OF THE SOARES GOVERNMENT, SUBMITTED THE TEXT SHORTLY THEREAFTER TO PRESIDENT EANES, THE ASSEMBLY'S NATIONAL DEFENSE COMMITTEE, AND THE POLITICAL PARTIES TO ENSURE THAT HIS EFFORTS WERE NOT WASTED.

2. NATIONAL DEFENSE LAW PROPOSAL: MIGUEL'S PROPOSAL TAKES AS ITS POINT OF DEPARTURE "PORTUGAL'S NEW INTERNATIONAL POSITION FOLLOWING THE DECOLONIZATION PROCESS AND THE POLITICAL STRUCTURE AS DEFINED BY THE CONSTITUTION." AS NOTED IN SECTION 1, DEFENSE POLICY SHOULD GUARANTEE:  
--NATIONAL INDEPENDENCE, TERRITORIAL INTEGRITY, LIBERTY, AND SECURITY;  
--THE UNITY OF THE STATE AND THE FREE FUNCTIONING OF ITS  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LISBON 01766 01 OF 02 111307Z

POLITICAL INSTITUTIONS;  
--THE MAINTENANCE OF DOMESTIC PEACE AND INTERNATIONAL SECURITY; AND,  
--ADHERENCE TO THE UN CHARTER AND INTERNATIONAL SECURITY ARRANGEMENTS (READ NATO).

3. STRUCTURE AND FUNCTIONS: THE MIGUEL DRAFT RECOMMENDS THE CREATION OF A:  
--SUPERIOR NATIONAL DEFENSE COUNCIL (CSDN) INCLUDING THE PRESIDENT, THE COUNCIL OF MINISTERS, AND A NEWLY CREATED NATIONAL DEFENSE COUNCIL. THE CSDN WOULD IMPLEMENT THE BROAD LINES OF DEFENSE POLICY ESTABLISHED BY THE LEGISLATIVE ASSEMBLY.  
--NATIONAL DEFENSE COUNCIL (CDN) INCLUDING THE PRESIDENT; THE PRIME MINISTER; THE ARMED FORCES CHIEF OF STAFF; THE MINISTERS OF DEFENSE AND FOREIGN AFFAIRS; AND OTHER GOVERNMENT OFFICIALS DESIGNATED BY THE PRESIDENT. THE CDN WOULD BE RESPONSIBLE FOR SETTING DEFENSE GOALS AND PRIORITIES.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 LISBON 01766 02 OF 02 130756Z

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-05 H-01 INR-10 L-03

NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06 IO-13

ACDA-12 TRSE-00 /086 W

-----087173 130802Z /20

R 091646Z MAR 78

FM AMEMBASSY LISBON

TO SECSTATE WASHDC 4997

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MOSCOW

AMCONSUL OPORTO

AMEMBASSY PARIS

AMCONSUL PONTA DELGADA

USMISSION USNATO

DIA WASHDC

USCINCEUR VAHHINGEN GER

USNMR SHAPE BRUSSELS BEL

COMUSFORAZ

C O N F I D E N T I A L SECTION 2 OF 2 LISBON 1766

--SUPERIOR MILITARY COUNCIL (CSM) INCLUDING THE ARMED

FORCES CHIEF OF STAFF AND THREE SERVICE CHIEFS.

THE CSM WOULD BE RESPONSIBLE FOR STRATEGIC PLANNING AND

MILITARY ADMINISTRATION. IN TIME OF WAR OR GENERAL

MOBILIZATION, THE CSM WOULD MEET IN PERMANENT SESSION.

--INTERMINISTERIAL NATIONAL DEFENSE SECRETARIAT (SIDN)

DIRECTED BY THE DEFENSE STATE SECRETARY. THE SIDN WOULD

SERVE AS A GENERAL SUPPORT STAFF UNDER THE DIRECTION OF

THE NATIONAL DEFENSE COMMITTEE.

THE REVOLUTIONARY COUNCIL WOULD HAVE NOT ROLE IN THE ABOVE  
STRUCTURE.

4. REACTION ON THE FAR LEFT: TELEGRAPHING THE ANTICIPATED

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LISBON 01766 02 OF 02 130756Z

REACTION BY THE LEFT OPPOSITION, LUTA POPULAR ACCUSED THE

GOVERNMENT OF SECRETLY PROPOSING A REPRESSIVE BUREAUCRATIC/

MILITARY STRUCTURE WHICH WOULD:

--LEAVE PORTUGUESE EXTERNAL DEFENSES IN FOREIGN HANDS (READ NATO);  
--UNDERMINE WORKER RIGHTS BY ALLOWING THE GOVERNMENT TO MOBILIZE SERVICES CONSIDERED VITAL TO DEFENSE EFFORTS;  
--USURP THE AUTHORITY OF THE LEGISLATURE IN THE FORMULATION OF DEFENSE POLICY;  
--CREATE A SUPER MINISTER OF DEFENSE WHO MIGHT THREATEN DEMOCRATIC INSTITUTIONS; AND  
--UNDERMINE THE CENTRAL ROLE AND AUTHORITY OF THE REVOLUTIONARY COUNCIL.

5. ANOTHER PROPOSAL IN THE WORKS: ANGELO CORREIA TOLD EMBOFF THAT AN ALTERNATE PROPOSAL MIGHT SURFACE IN THE ASSEMBLY IN THE NEXT THREE WEEKS. CORREIA IS IN THE MIDST OF HIS THIRD DRAFT, WHICH HE CLAIMS TO HAVE ALREADY DISCUSSED WITH GAMA AND FIRMINO MIGUEL, BUT IS NOT SURE WHETHER IT WILL BE PROPOSED BY THE GOVERNMENT, THE NATIONAL DEFENSE COMMITTEE, OR THE PSD. HE DID, HOWEVER, EMPHASIZE THAT ANY PROPOSAL THAT CHALLENGES THE AUTHORITY OF THE REVOLUTIONARY COUNCIL WOULD PROBABLY HAVE TO WAIT UNTIL 1980 WHEN THE FIRST CONSTITUTIONAL REVISIONS ARE POSSIBLE. CORREIA SAID HE WAS MODELING HIS PROPOSAL ON A MODIFICATION OF THE US JOINT CHIEFS SYSTEM AND DRAWING A CLEAR DISTINCTION BETWEEN MILITARY AND CIVILIAN AUTHORITY--A RELATIONSHIP, HE CLAIMED, THE MIGUEL DRAFT CONFUSES. NATIONAL DEFENSE COMMITTEE CHAIRMAN MAGALHAES MOTA (PSD) HAS, HOWEVER, TOLD US HE DOUBTS THE ABILITY OF HIS COMMITTEE TO PRESENT A PROPOSAL WHICH RECONCILES THE NEEDS OF THE ARMED FORCES AND THE, AT LEAST FOR NOW, CONSTITUTIONALLY UNIQUE ROLE OF THE REVOLUTIONARY COUNCIL.  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LISBON 01766 02 OF 02 130756Z

6. COMMENT: THE NEED TO REDEFINE THE MISSION OF THE ARMED FORCES HAS BEEN SELF-EVIDENT SINCE 1974. THE PS, CDS, AND PSD AGREE ON THE NEED FOR NATIONAL DEFENSE LEGISLATION, DEFINING MISSIONS AND PARTICIPATION IN NATO, AND REINFORCING MILITARY SUBORDINATION TO CIVIL AUTHORITY. ELEMENTS OF THE ARMED FORCES HOPE TO USE A WELL-DEFINED DEFENSE POLICY AND STRUCTURE TO REINFORCE SERVICE BUDGET AND EQUIPMENT REQUESTS (PARTICULARLY THE AIR FORCE), IMPROVE MORALE, AND STRENGTHEN THE SENSE OF PROFESSIONAL MISSION. ANY COMPREHENSIVE NATIONAL DEFENSE LAW PROPOSED BEFORE 1980, HOWEVER, MUST ALLOW FOR THE EXISTENCE OF THE REVOLUTIONARY COUNCIL AND BE DESIGNED FOR IMPLEMENTATION EITHER DURING THE CURRENT TRANSITION PERIOD, OR AFTER THE ANTICIPATED 1980 REVISION OF THE CONSTITUTION. THE REVOLUTIONARY COUNCIL COULD BE DISSOLVED AT THE END OF THE CURRENT LEGISLATIVE PERIOD IN OCT 1980, BUT ITS DEMISE, ALTHOUGH LIKELY, IS NOT A FOREGONE CONCLUSION.

7. IN THE INTERIM, THE RC IS AUTHORIZED TO RULE ON  
THE CONSTITUTIONALITY OF ANY ACT AND IS NOT LIKELY TO  
BLESS LEGISLATION WHICH UNDERMINES ITS OWN AUTHORITY.  
FIRMINO MIGUEL'S DRAFT MAY NEVER ACTUALLY BE DEBATED ON THE  
ASSEMBLY FLOOR. MORE THAN LIKELY IT WILL BE USED AS A  
WORKING DOCUMENT BY THE NATIONAL DEFENSE COMMITTEE AND WITH  
THE PARTIES AS HE INTENDED. ITS APPEARANCE NOW FOCUSES  
PUBLIC AND PARLIAMENTARY ATTENTION ON THE POLITICALLY  
AND CONSTITUTIONALLY SENSITIVE NATIONAL DEFENSE ISSUE, BUT  
SERIOUS OBSTACLES REMAIN BEFORE ANY COMPREHENSIVE NATIONAL  
DEFENSE LAW IS ENACTED BY THE ASSEMBLY.  
BLOOMFIELD

NOTE BY OCT: TELEGRAM DELAYED IN TRANSMISSION.

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NEWS LEAKS, MILITARY LAW  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978LISBON01766  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** X3  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780111-0250  
**Format:** TEL  
**From:** LISBON  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780388/aaaacwpp.tel  
**Line Count:** 238  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 45fdd8ca-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 25 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3389201  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LEAK OF DEFENSE MINISTER'S DRAFT NATIONAL DEFENSE LAW SUMMARY: A DRAFT NATIONAL DEFENSE LAW PREPARED BY DEFENSE MINISTER FIRMINO MIGUEL HAS BEEN LEA KED TO THE PRE  
**TAGS:** PINT, MILI, PO  
**To:** STATE  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/45fdd8ca-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014